

MAR 05 1991

URGENT LEGAL MATTER
CERTIFIED MAIL--RETURN RECEIPT REQUESTED

SKF Industries, Inc.
ATTN: C. William McGlocklin
Corporate Environmental Manager
1100 First Avenue
King of Prussia, PA 19406-1352

Re: Yellow Water Road Superfund Site
Duval County, Florida
Unilateral Order for Remedial Design, Operable Unit One

Dear Mr. McGlocklin:

As you have been previously notified, the United States Environmental Protection Agency (EPA) has information indicating that SKF Industries, Inc. is a potentially responsible party (PRP) under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), as amended, with respect to the Yellow Water Road Superfund Site, in Duval County, Florida. Enclosed is a Unilateral Administrative Order issued to the PRPs pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), under which the PRPs are required to perform the Remedial Design for Operable Unit One at the Site.

The remedy for Operable Unit One (soil contamination) was selected in a Record of Decision (ROD) dated September 28, 1990. The remedy selected in this ROD was excavation and solidification/stabilization of soils contaminated with PCBs above 10 ppm. The remedy which will be required for groundwater contamination will be decided in Operable Unit Two.

Following the issuance of the ROD for Operable Unit One, EPA entered into negotiations with representatives of the Yellow Water Road Steering Committee on the terms of an Administrative Order on Consent, which would permit the Steering Committee to perform the remedial design for Operable Unit One. However, agreement was not reached on the terms of a consent order, and consequently, I am issuing the enclosed Unilateral Administrative Order in order to keep the work at this Site moving forward.

Please review the enclosed Order carefully. I direct your attention in particular to Sections XXIV, XXV and XXVI, which address the effective date of the Order, the obligation of the Respondents to give notice of their intention to comply and the right of the Respondents to request a conference.




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EPA has previously determined that use of the special notice procedures and the moratorium provided under Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), would be inappropriate in the Remedial Design negotiations for Operable Unit One, since their use would not facilitate reaching an agreement nor would it expedite the remedial action. This letter constitutes notice under Section 122(a) of CERCLA, 42 U.S.C. § 9622(a), that the Agency has decided not to use the special notice procedures set out in Section 122(e) of CERCLA in the negotiations for the Remedial Design for Operable Unit One. The authority to make this decision was delegated to the Administrator of EPA by Executive Order 12580, dated January 23, 1987, 52 F. Reg. 2923 (January 29, 1987), further delegated to the Regional Administrators by Delegation 14-8-B, and then further delegated to the Director, Waste Management Division, Region IV, by Regional Delegation 8-8-B.

If you have any technical questions relating to this matter, please contact the Remedial Project Manager for this Site, Kristen White (404/347-2643). If you have any legal questions, please direct them to Assistant Regional Counsel Truly Bracken (404/347-1653).

Sincerely,



Donald J. Guinyard
Acting Director, Waste Management Division

Enclosure